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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/808,394	03/25/2004	Tong-Ki Kim	P25111	5541
7055	7590	04/24/2006	EXAMINER	
GREENBLUM & BERNSTEIN, P.L.C.			DICUS, TAMRA	
1950 ROLAND CLARKE PLACE			ART UNIT	
RESTON, VA 20191			PAPER NUMBER	

1774

DATE MAILED: 04/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/808,394

Applicant(s)

KIM, TONG-KI

Examiner

Tamra L. Dicus

Art Unit

1774

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5,7 and 8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5,7 and 8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Cancellation of Claim 6 is acknowledged. Acknowledgment is made of election of claims 1-5 and 7-8.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-5 and 7-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 is not clear for the following reasons:

1. It is not clear if the upper and lower parts are of the patterns, or the wallpaper, or the ceiling paper.
2. Further it is unclear that the claim recites a ceiling paper having no distinctive pattern between upper and lower parts, are these referring back to the wallpaper/distinctive patterns or in addition to another element?
3. It is not clear onto what surfaces “a rear surface” is coated (e.g. a rear surface of _____, is it the wallpaper, or ceiling paper, or both?).
4. Further, the overall structure is unclear as there is no clearly set forth relation between the wallpaper and ceiling paper, (e.g. are the wallpaper and ceiling paper laminated together via rear coated adhesives or is the adhesive on the bottom of only the bottom layer, which layer is the top or bottom layer?)

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5. Further having a “distinctive” pattern is not clear, patterns are naturally distinctive because they are patterns.

Claims 2 and 7 are unclear because claim 1 already recites the ceiling paper has no patterns in upper parts, which would mean, if the upper parts are referencing the parts of the ceiling paper, then what is the relation to the upper parts and the front surface of the ceiling paper as the upper part could imply the front surface, or are there additional patterns different from the ones of claim 1? Using language like “said patterns” or “further comprising” would be helpful.

Claims 3 and 8 are not clear because it recites patterns on the ceiling paper, but Claim 1 recites the ceiling paper having no patterns. Thus it is not clear how claim 1 recites said paper having no patterns, but in claim 3 they are present. If they are additional patterns, the claim does not clearly recite this addition (e.g. using language like “said patterns” or “further comprising” would be helpful). Further having a distinctive pattern is not clear, what is distinctive about the pattern?

Claims 3 and 4 are unclear. To claim “the front surface” of the ceiling paper or wallpaper lacks antecedent basis.

Claim 4 is unclear because claim 1 already recites the wallpaper has patterns in upper parts, which would mean, if the upper parts are referencing the parts of the wallpaper, then what is the relation to the upper parts and the front surface of the wallpaper as the upper part could imply the front surface, or are there additional patterns different from the ones of claim 1? Using language like “said patterns” or “further comprising” would be helpful.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-5, 7-8 are rejected under 35 U.S.C. 102(b) as being anticipated by US PUB 2003/0039806 A1 to Weder.

Weder teaches an indoor decorative paper pastable on entire walls and ceilings comprising: wallpaper (14a, FIGS. 1-2 and associated text, [0035]), having distinctive patterns in upper and lower parts and ceiling paper having no distinctive pattern or no patterns ([0036], [0038], [0041], [0047-0049] the sheet is textured only (no distinctive pattern or no patterns) or patterns may be printed only on portions or the entire sheet or multiple adjacent sheets laminated together thereby producing upper and lower parts of plys of paper (wallpaper and ceiling paper are equivalent to the type of paper described by Weder because the same material of paper and adhesive is used and function). The different colors are present per instant claim 5 ([0038]). Claims 1-5 and 7-8 are met.

References of Interest

- USPN 4,296,162 to Jean teaches a wallcovering in the following order:
print/foil/paper/adhesive pasteable on walls and ceilings.

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- USPN 6,251,500 to Varga et al. teaches a write on/write off wall covering with designs on the upper and lower parts of paper, spaced in register or randomly.
- USPN 4433025 to Pusch teaches a wall or ceiling cover with adhesive and print.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tamra L. Dicus whose telephone number is 571-272-1519. The examiner can normally be reached on Monday-Friday, 7:00-4:30 p.m., alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rena Dye can be reached on 571-272-3186. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Tamra L. Dicus
Examiner
Art Unit 1774

04-18-06



RENA DYE
SUPERVISORY PATENT EXAMINER

A.O. 1774 4/20/06